

**REMARKS**

By the foregoing Amendment, claims 1 and 15 are amended and claims 3 and 16-18 are cancelled. The Specification is amended to correspond with the amended claims. Entry of the Amendment, and favorable consideration thereof is earnestly requested.

Initially, Applicant notes that the Examiner has taken issue with its statement that “[c]laim 1 has been limited by the incorporation of the subject matter of claim 2. . .”. Applicant sincerely apologizes for this misstatement and for any confusion. What Applicant should have stated was that Claim 1 had been limited by the incorporation of the subject matter of Claim 2 which made Claim 2 allowable over Hughes. Clearly the Examiner agrees with this assessment as Hughes is no longer cited as a reference.

Similarly, Applicant apologizes for any confusion caused by the statement that “Applicant respectfully submits that this highlighted step [that the bulk material is first accumulated into a feeding hopper] differentiates claim 16, and claims 17 and 18 which depend therefrom, from the subject matter disclosed in Hughes for reasons similar to those which caused originally filed claim 2 (now incorporated into amended claim 1) to be allowable.” Applicant recognizes that Claim 16 was broader than Claim 1, but was merely pointing out that since Claim 16 was

amended to contain the same element which distinguished patentability over Hughes (i.e., the feeding hopper), similar patentability arguments as had been previously presented were applicable. Again, the Examiner apparently agreed with this assessment, as Hughes is no longer cited as a reference.

In any event, Applicant apologizes for the misunderstanding, and assures the Examiner that there was never any intention to mislead the Examiner in any way.

With respect to the outstanding Final Office Action, the Examiner has indicated that Claim 3, among other claims, is "objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." Claim 1 has been amended to incorporate what Applicant believes to be all the limitations of Claim 3, and therefore submits that Claim 1 is allowable. Claim 3 has been cancelled, and Claim 15 (which depends from Claim 1) has been amended so as to remove what Applicant believes would otherwise be duplicative elements in view of the amendments to Claim 1. Since Claims 4-15 all depend, either directly or indirectly, from Claim 1, Applicant submits that all of these claims are in condition for allowance as well.

For the foregoing reasons, Applicant respectfully submits that all pending claims, namely Claims 1 and 4-15, are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd M. Oberdick", is written over a horizontal line.

Gene S. Winter, Reg. No. 28,352  
Todd M. Oberdick, Reg. No. 44,268  
ST. ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, Connecticut 06905-5619  
(203) 324-6155  
Attorneys for Applicant